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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2016 APR 20 PM 2:19

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATHIAS BENAVIDES GARCIA,

Defendant.

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CRIMINAL NO. SA:

DEPUTY CLERK

INDICTMENT

[In violation of:

18 U.S.C. § 2251(a)

Production of Child Pornography;

18 U.S.C. § 2252A(a)(2)

Receipt of Child Pornography;

18 U.S.C. § 2252A(a)(5)(B)

Possession of Child Pornography]

THE GRAND JURY CHARGES:

SA 16 CR 0286

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COUNT ONE

[18 U.S.C. § 2251(a)]

On or about January 8, 2010, within the Western District of Texas, the Defendant,

MATHIAS BENAVIDES GARCIA,

did knowingly employ, use, persuade, induce, entice and coerce, a minor, to engage in sexually explicit conduct, for the purpose of producing a visual depiction of such conduct and which visual depiction was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce,

All in violation of Title 18, United States Code, Section 2251(a).

COUNT TWO

[18 U.S.C. § 2252A(a)(2)]

On or about Mary 28, 2013, within the Western District of Texas, the Defendant,

MATHIAS BENAVIDES GARCIA,

did knowingly receive any child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that has been shipped or transported using any means or facility of interstate and

foreign commerce,

All in violation of Title 18, United States Code, Section 2252A(a)(2) and (b).

COUNT THREE

[18 U.S.C. § 2252A(a)(5)(B)]

On or about September 4, 2015, within the Western District of Texas, the Defendant,

MATHIAS BENAVIDES GARCIA,

did knowingly possess material, specifically, a Dell PC Tower, which contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a prepubescent minor, and which had been shipped and transported using any means and facility of interstate and foreign commerce, and was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer,

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT FOUR

[18 U.S.C. § 2252A(a)(5)(B)]

On or about September 4, 2015, within the Western District of Texas, the Defendant,

MATHIAS BENAVIDES GARCIA,

did knowingly possess material, specifically, a HP laptop computer, SN CNV04804QZ, which contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a prepubescent minor, and which had been shipped and transported using any means and facility of interstate and foreign commerce, and was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer,

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT FIVE

[18 U.S.C. § 2252A(a)(5)(B)]

On or about September 4, 2015, within the Western District of Texas, the Defendant,

MATHIAS BENAVIDES GARCIA,

did knowingly possess material, specifically, a PNY Attache 4 GB thumb drive, which contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a prepubescent minor, and which had been shipped and transported using any means and facility of interstate and foreign commerce, and was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer,

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[Title 18 U.S.C. §§ 2252A(a)(2), (a)(5)(B), and (b), subject to forfeiture pursuant to Title 18 U.S.C. § 2253(a). See Fed. R. Crim. P. 32.2]

As a result of the foregoing criminal violations set forth in above, the United States of America gives notice to Defendant, **MATHIAS BENAVIDES GARCIA**, of its intent to seek the forfeiture of the below described property upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. §§ 2253(a)(1), (2), and (3), which states:


Title 18 U.S.C. § 2253. Criminal forfeiture

(a) Property subject to criminal forfeiture.-A person who is convicted of an offense under this chapter involving a visual depiction described in section . . . 2252 . . . of this chapter . . . shall forfeit to the United States such person's interest in-

- (1)** any visual depiction described in section . . . 2252 . . . of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2)** any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3)** any property, real or personal, used or intended to be used to

commit or to promote the commission of such offense or any property traceable to such property.

A TRUE BILL.


FOREPERSON OF THE GRAND JURY

RICHARD L. DURBIN JR.
UNITED STATES ATTORNEY

BY:


TRACY THOMPSON
Assistant United States Attorney